

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING  
March 5, 2013**

The regular session of the Auburn City Planning Commission was called to order on March 5, 2013, at 6:30 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Luebkeman, Snyder, Spokely

**COMMISSIONERS ABSENT:** Vitas, Worthington

**STAFF PRESENT:** Will Wong, Community Development Director  
Reg Murray, Senior Planner

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES**

None

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

- A. ORDINANCE AMENDMENT – REASONABLE ACCOMMODATION (File 301.3(aa)).** The City of Auburn proposes to amend the Auburn zoning ordinance by establishing provisions for Reasonable Accommodation. The ordinance for reasonable accommodation establishes a process for individuals with disabilities to make requests for relief from various land use, zoning, rules, policies, and practices to insure equal access to housing and places of business.

Planner Murray presented the Reasonable Accommodation Ordinance to the Planning Commission. Planner Murray noted that although the Ordinance Amendment was not a direct requirement in the City's currently Adopted Element, the Reasonable Accommodation Ordinance Amendment is an Ordinance that the Department of Housing and Community Development (HCD) wants to see Cities and Counties adopt and would expedite the City's current update of the Housing Element through HCD. The Reasonable Accommodation Ordinance also removes constraints to the provision of Housing.

The Reasonable Accommodation Ordinance provides an administrative variance procedure so that if someone needs to provide an accessibility feature that would normally require a variance, the Reasonable Accommodation Ordinance will provide a procedure to deviate from the City's Variance procedure.

Planner Murray discussed the Reasonable Accommodation application requirements with the Commission. Planner Murray noted that there is no fee for the application.

Planner Murray noted the draft Reasonable Accommodation Ordinance is very consistent with a number of other jurisdictions.

Chairman Spokely asked about the concurrent review of other entitlements. Would the fee been likewise waived with other entitlements?

Planner Murray discussed the concurrent review requirements of the Reasonable Accommodation Ordinance.

Chairman Spokely asked how the ordinance would apply to the Historic Districts?

Planner Murray noted that the Historic Design Review Commission already authorized staff to approve signs and accessibility upgrades within the Historic Districts.

Planner Murray noted that the Reasonable Accommodation Ordinance allows for an administrative review and approval in lieu of a discretionary review by the Planning Commission.

Chairman Spokely asked if this is a State requirement?

Planner Murray replied that the Reasonable Accommodation Ordinance removes constraints to persons with disabilities which is a state goal.

Chairman Spokely opened the public hearing.

Mike Mapes resident of Auburn and staff attorney of Legal Services of Northern California addressed the Commission. Mr. Mapes noted that many of his clients have accessibility needs and appreciates the City undertaking an ordinance to remove barriers to persons with disabilities.

Chairman Spokely asked how other jurisdictions are implementing Reasonable Accommodation Ordinances?

Mr. Mapes replied that generally speaking, any accessibility requirements that did not comply with the local zoning ordinance would be covered under a Reasonable Accommodation Ordinance in lieu of a Variance.

Chairman Spokely closed the public hearing.

Commissioner Luebke **MOVED** to recommend approval of the Reasonable Accommodation Ordinance as presented.

Commissioner Willick **SECONDED** the motion.

AYES:	Luebke, Willick, & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas, Worthington

The motion was **APPROVED**.

- B. ORDINANCE AMENDMENT – EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING (File 301.3(bb)).**  
The City of Auburn proposes to amend the Auburn Municipal Code to allow Emergency Shelters in the Industrial (M-2) zone district and Supportive and Transitional Housing in the Medium Density Multiple-family Residential zone district (R-3).

Planner Murray presented the Emergency Shelters, Transitional and Supportive Housing Ordinance and explained that the ordinance fulfills obligations made with the last Housing Element and met SB 2 as required by the State.

In compliance with SB 2 the ordinance permits by right, the location of Emergency Shelters, Transitional and Supportive Housing in the Industrial (M-2) Zone. Planner Murray noted that the Government Code allows standards to be imposed and discussed the standards.

Planner Murray also noted that the Ordinance permitted Supportive and Transitional Housing in the Medium Density Multiple-family Residential Zone District (R-3).

Planner Murray noted that the Emergency Shelters Ordinance, in compliance with State Law, is required to identify at least one zone that permits Emergency Shelters by right. The Planning Commission can recommend which zone Emergency Shelters should go but cannot preclude them all together. Also, if there are standards such as parking that the Commission would like to modify, then that would be under the discretion of the Planning Commission.

Planner Murray discussed the various sections of the ordinance.

Planner Murray noted that there are different provisions for permanent facilities and temporary facilities.

Commissioner Luebke asked if there are current facilities in the residential zone?

Planner Murray noted that the permanent facilities would be permitted in the Industrial Zone and temporary facilities would not have a limitation and would be

allowed as institutional uses (i.e. Church or hospital) in the zones which allow such uses.

Commissioner Willick asked about a description of the M-2 Zone.

Planner Murray described the uses permitted in the M-2 Zone.

Commissioner Willick asked about what is considered as Transitional Housing and Supportive Housing?

Planner Murray described the types of housing accommodations that would qualify as Transitional Housing and Supportive Housing.

Chairman Spokely inquired about the separation requirements between other uses.

Planner Murray discussed the differences between Emergency Shelters, Transitional Housing and Supportive Housing.

Chairman Spokely asked about the separation from schools.

Planner Murray replied that there are no separation from schools or parks based upon advice from the City Attorney.

Chairman Spokely asked who might be staying in a Transitional Housing situation?

Planner Murray replied that persons needing housing for a limited duration or persons needing life skills training would be candidates for Transitional Housing facilities.

Commissioner Willick noted they could be parolees or drug rehabilitation persons.

Planner Murray replied yes it could include either of those groups.

Chairman Spokely noted that he attended a public hearing in another jurisdiction where a neighborhood was being terrorized by such a facility. Chairman Spokely noted that he understands that the City needs to accommodate such facilities in compliance with State Law, but questions whether the multi-family zone was the appropriate zone for such facilities.

Chairman Spokely noted the benefit of such facilities, but questioned the appropriate zone for such facilities.

Commissioner Willick acknowledged the concern from a law enforcement perspective but also noted that the State law preempts local jurisdictions in various types of housing types such those being considered.

Considering the State law requirements, Commissioner Willick inquired what the options were for these types of uses?

Planner Murray described the different zones within the City and the types of uses within the respective zones.

Chairman Spokely opened the public hearing.

Suzi Defosset, resident of Auburn, at 165 Village Lane addressed the Commission. Ms. Defosset is also the Executive Director of the Gathering Inn, which provides services to homeless persons.

Ms. Defosset noted that typically Industrial areas offer very little service such as transportation and persons using such facilities are often in need of such services. Also industrial areas typically do not have sidewalks and are less pedestrian friendly to get to the public transportation.

A by-right shelter with a maximum occupancy of 30 persons as drafted, does not make fiscal sense. Generally, a shelter would need to accommodate up to 60 persons to be financially solvent.

Ms. Defosset notes that on any given night there are upwards of 75 people living on the streets after all the other facilities are occupied. Opening a shelter and only allowing 30 people to be housed is not a viable shelter from a financial standpoint.

Ms. Defosset also noted that the parking spaces should be reduced as homeless persons typically do not have a car. In an existing facility with 60 beds, there are never more than 4 cars in the parking lot. So the parking standards proposed are more stringent than they should be.

Ms. Defosset again noted that she would like to see a different zoning designation be considered than Industrial as the Industrial zone does not typically provide the amenities that homeless persons need.

Chairman Spokely asked for clarification on the types of facilities which would be located in the Industrial zone.

Planner Murray explained the types of facilities that would be permitted in the Industrial zone.

Chairman Spokely noted that in comparison to other jurisdictions, the 30 persons maximum seemed to be consistent with other jurisdictions.

Joseph Tucciarone owner of 205 Fairgate Street addressed the Commission. Mr. Tucciarone noted that he acknowledges that the City is following a State law

mandate to help homeless persons; however, Mr. Tucciarone also noted that the city should do the minimum to comply with State law.

Mike Mapes, Legal Services of Northern CA Staff Attorney, addressed the Commission and supported any efforts to help the homelessness in Auburn.

Chairman Spokely closed the public hearing.

Commissioner Luebkehan noted that an increase in the number of patrons for Emergency Shelters from 60 to 75.

Chairman Spokely asked if any of the Commissioners had any concerns with the proposed parking requirements.

Planner Murray explained the options for parking.

Commissioner Willick noted that one parking space for every worker seemed appropriate.

Chairman Spokely noted based upon the testimony provided tonight, he agrees that a reduced parking ratio is in order. Chairman Spokely noted that 1 parking space per 10 patrons seems reasonable.

Chairman Spokely also inquired about the distance separation between other uses taking into account the 300 foot separation requirement.

Planner Murray noted that the distance requirement is for permanent Emergency Shelters.

Planner Murray discussed the separation distance requirements from other uses and the City Attorney's recommendations on the proposed ordinance.

Chairman Spokely noted that he would like to see a 500 foot separation from single family uses, schools, parks and libraries.

Commissioner Willick **MOVED** to recommend approval of the Emergency Shelters Transitional Housing and Supportive Housing with the following amendments:

1. Occupancy for temporary shelters was increased from 60 individuals to 75 individuals;
2. Parking requirements were relaxed by reducing the number of spaces required for shelter participants from one parking space for every four participants to one parking space for every 10 participants;
3. The separation distance between emergency shelters and property in the Single-family Residential (R-1) zone was increased from 300 feet to 500 feet;

4. A new separation standard was added requiring a minimum separation of 500 feet between emergency shelters and schools, parks, or libraries, subject to review by the City Attorney.

Commissioner Luebkehan **SECONDED** the motion.

AYES:	Luebkehan, Willick & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas & Worthington

The motion was **APPROVED**.

- C. ORDINANCE AMENDMENT – RESIDENTIAL CARE FACILITIES (File 301.3(cc)).** The City of Auburn proposes to amend the Auburn zoning ordinance relating to residential care facilities. The proposal would amend the Auburn Municipal Code relating to the definitions for Residential Care facilities and the permitting of large residential care facilities in the Medium Density Multiple-family Residential zone district (R-3) and the Central Business District (C-2).

Planner Murray presented the Residential Care Facilities Ordinance Amendment and discussed the components of the ordinance.

Commissioner Luebkehan asked if there was a maximum number of persons in a Residential Care Facility?

Planner Murray replied that there are no maximum occupancy requirements; however, a Use Permit is required and each site will be looked at on an individual basis as to what a maximum occupancy should be.

Planner Murray described the different types of residential care facilities based upon the number of persons.

Chairman Spokely opened the public hearing.

Chairman Spokely closed the public hearing.

Chairman Spokely noted that the Residential Care Ordinance Amendment seemed to be relaxing the current provisions.

Planner Murray described the change in the proposed ordinance and noted that Residential Care Facilities with 6 persons or less are treated the same as Single Family Dwellings per State law.

Commissioner Luebkehan **MOVED** to recommend approval of the Residential Care Facilities Ordinance Amendment as presented.

Commissioner Spokely **SECONDED** the motion.

AYES:	Luebkehan, Willick, & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas & Worthington

The motion was **APPROVED**.

- D. ORDINANCE AMENDMENT – SINGLE ROOM OCCUPANCY UNITS (File 301.3(dd)).** The City of Auburn proposes to amend the Auburn Municipal Code to allow Single Room Occupancy (SRO) units in the Regional Commercial (C-3) zone district, subject to a use permit.

Planner Murray presented the Single Room Occupancy Units Ordinance and discussed the components of the ordinance.

Commissioner Luebkehan asked about the parking requirements.

Planner Murray discussed the parking requirements proposed.

Chair Spokely asked about the distance separation requirement between SRO's and property in the Single-family Residential zone.

Planner Murray stated that the standard is optional and is not mandated by the state.

Commissioner Luebkehan suggested that the separation distance should be 500' to be consistent with the Commission's recommendation for emergency shelters.

Chairman Spokely opened the public hearing.

Chairman Spokely closed the public hearing.

Commissioner Willick **MOVED** to adopt the Single Room Occupancy Units Ordinance as amended.

Commissioner Spokely **SECONDED** the motion.

AYES:	Luebkehan, Willick, & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas & Worthington

The motion was **APPROVED**.



**V. COMMISSION BUSINESS**

- A.** Annual Planning Commission priorities list discussion (*Continued from the hearing of February 19, 2013*)

The Planning Commission continued the Annual Planning Commission priorities discussion to March 19, 2013.

**VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

- A.** City Council Meetings

None

- B.** Future Planning Commission Meetings

None

- C.** Reports

None

**VII. PLANNING COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

**VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS**

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

**IX. ADJOURNMENT**

The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Lance E. Lowe